

DRAWING AMENDMENTS

Fig. 2 has been amended to show perforations 52 in the panel of the gutter cover. A fresh sheet incorporating the change is attached along with a marked up sheet showing the change.

The drawing amendment is believed to overcome the objection raised in para. 1 of the Action.

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In response to the Office Action dated Dec. 1, 2005 please amend the application as follows:

In the specification, amend para.1018 to refer to perforations 52 and amend para. 1019 to change 'slot 53' to 'slot 54'. See SPECIFICATION AMENDMENTS

In the drawings, amend Fig. 2 to show perforations 52. See DRAWING AMENDMENTS.

Cancel claims 3, 5, 7, 8 and 10.

Amend claims 1, 2, 4, 6, 9, 11-14. See CLAIM AMENDMENTS.

Claims 1, 2, 4, 6, 9 and 11-14 are now in the application.

Claim 1 has been amended to more explicitly define applicant's invention and also to patentably distinguish over the cited art. Claim 1 now generally incorporates the subject matter of canceled claims 3 and 5.

Claim 9 has been amended to correct a grammatical error noted therein.

Claims 13 and 14 have also been amended to correct a minor error found therein. It is the gutter cover and not the gutter that is made from painted aluminum.

Re objections raised in Paras. 3 and 4 of the Action: Claim 12 has been amended to employ language consistent with the Specification.

Re objections raised in Paras. 5 and 6 of the Action: The claims have been amended to all refer to a gutter cover. More particularly, claims 6 and 13, 14 have been amended in line 1 to change 'gutter' to 'gutter cover'.

Re objections raised in Paras. 7 and 8 of the Action: Claim 1 has been amended in line 4 to change 'upper lip' to 'top, outer lip' in order to conform with the language of the specification. The claim has also been amended to provide antecedent basis for the phrase 'the outer lip of a gutter'. The claim has also been amended in the last line to employ language that has antecedent basis in the claim.

Re objection raised in para. 9 of the Action: Claim 2 has been amended to change the semi-colon at the end of the claim to a period.

Re objection raised in Para. 10 of the Action: This objection is believed to be overcome with the amendments made to overcome the objections raised in Paras. 5 and 6 of the Action.

Re objections raised in Paras. 11, 12 and 13 of the Action: The examiner is

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respectfully requested to reconsider his rejection of claim 1 as being anticipated by Sweers (US 5,555,680). Claim 1 now calls for a gutter cover having a channel on one side with a top and bottom wall joined by an end wall, the bottom wall shorter than the top wall. Sweers does not show the bottom wall being shorter than the top wall. Thus the claim is not anticipated by Sweers and the rejection under 35 U.S.C. 102(b) should be withdrawn.

Re objection raised in Paras. 14 and 15 of the Action: The examiner is respectfully requested to reconsider his rejection of claim 2 as being unpatentable over Sweers in view of Hileman (U.S. Pat. 4,592,174) as applied under 35 U.S.C. 103(a). Claim 2 differs from Sweers in having the bottom wall of the channel shorter than the top wall. This allows the top wall of the cover to be sat on top of the top, outer lip of the gutter when installing the cover and thus automatically locates the opening of the channel in the cover directly opposite the lip. It is then easy for the installer to merely slide the cover outwardly to place the lip within the channel between the top and bottom walls. No manual alignment is necessary. Both the bottom and top walls of Sweers are equal in length so it is more difficult in Sweers to install his cover since the lip of the gutter has to be visually and manually aligned with the slot in the cover without being able to use the top wall to locate the slot. Claim 2 also differs from Hileman in calling for a flexible flap on the other side of the cover extending away from the panel. Hileman does not disclose a flexible flap. A flap member, by definition, has one end free. The member 28 in Hileman is held at both ends so it is not a flap. If the member 28 were free at its bottom end to become a flap, the member would not work as desired to block leaves and the like from the gutter. Further there is no indication in Hileman that the screen 28 is flexible. There is no need for it to be flexible. Applicant's flexible flap makes it easy to install the cover since the flexibility of the flap allows the cover to be initially located closer to the building before being slid outwardly to place the outer lip within the channel. It is further submitted that it would not be at all obvious to use a flexible flap on Sweers since Sweers uses the angle of the cover, relative to the gutter and more particularly relative to the lip of the gutter to securely hold the cover in place (see col.4, l's 25-27 of the Sweers patent). This angle is obtained by inserting the other end of the cover under the roof shingles. There is no need for a flap. In view of these differences claim 2 is believed to patentably distinguish over Sweers in view of Hileman and the rejection of claim 2 under 35 U.S. C. 103(a) should be withdrawn.

Re objection raised in Para. 16 of the action: The rejection of claims 13 and 14

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under 35 U.S.C. 103(a) should be withdrawn since claims 1 and 2, on which claims 13 and 14 are dependent, are believed to patentably distinguish over Sweers for reasons given above.

Re objection raised in Para. 17 of the Action: Claim 3 has been canceled.

Re objection raised in Para. 18 of the Action: The examiner is respectfully requested to reconsider the rejection of claims 4 and 6 under 35 U.S. C. 103(a) as being unpatentable over Sweers in view of Hileman and further in view of Albracht (US 6,701,674). The examiner states that Albracht discloses a gutter cover in Fig. 4B that has a channel aligned with a panel 406. It is respectfully submitted that what is shown in Fig. 4B is a bracket 150 (see col. 6, l's. 63, 64) and not a gutter cover. The bracket 150 supports a gutter cover 101 (see Figs. 1, 3 and 5 for example). None of the features of the bracket are applicable to applicant's cover. Claim 4 calls for a cover having a channel formed of top and bottom walls with the bottom wall aligned with the panel. None of the patents disclose this feature. Claim 4 further calls for the end wall to provide the gripping surface. Again none of the patents disclose this feature. In any event claim 2, on which claims 4 and 6 are dependent, is believed to patentably distinguish over Sweers and Hileman for reasons given above and therefore claims 4 and 6 are believed to be properly allowable.

Re objection raised in Para. 19 of the action: The examiner is respectfully requested to reconsider the rejection of claims 9 and 11 under 35 U.S.C. 103 (a) as being unpatentable over Sweers in view of Albracht. Again, item 150 in Albracht is a bracket not a cover. None of the features of this bracket are applicable to applicant's cover. In any event, claim 1, on which claims 9 and 11 are dependent, is believed to patentably distinguish over Sweers for reasons given above and thus claims 9 and 11 are believed to be properly allowable.

Re objection raised in Para. 20 of the action: The examiner is respectfully requested to reconsider his rejection of claim 12 under 35 U.S.C. as being unpatentable over Sweers in view of Brochu (US. 6,427,388). Claim 12 is dependent on claim 1 which claim is believed to patentably distinguish over Sweers for reasons given above. In any case, it is submitted that it would not be obvious to put an upright wall on the Sweers gutter cover as shown by Brochu since Sweers wants a clean top line for eliminating debris off the cover (see col. 4, l's. 6-9 of the patent).

TITLE: LETTER COVER
 INVENTOR: JYCKE V. PAAVILA
 SER. NO. 10/802,337

ANNOTATED MARKED-UP DRAWING

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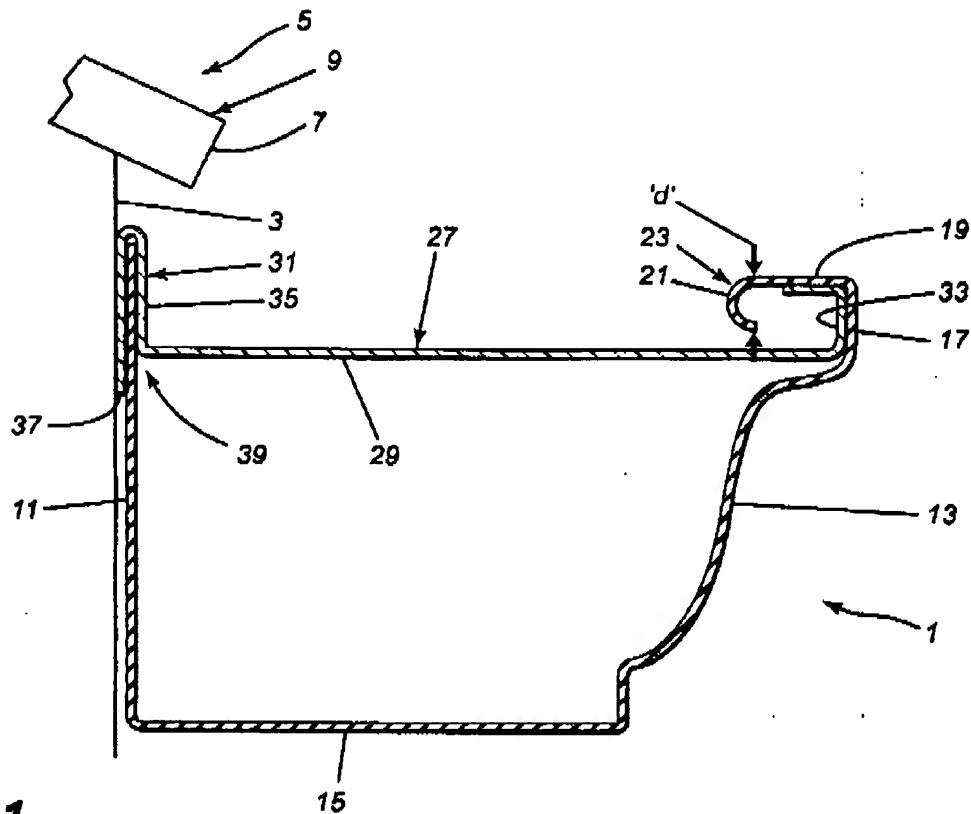


Fig-1

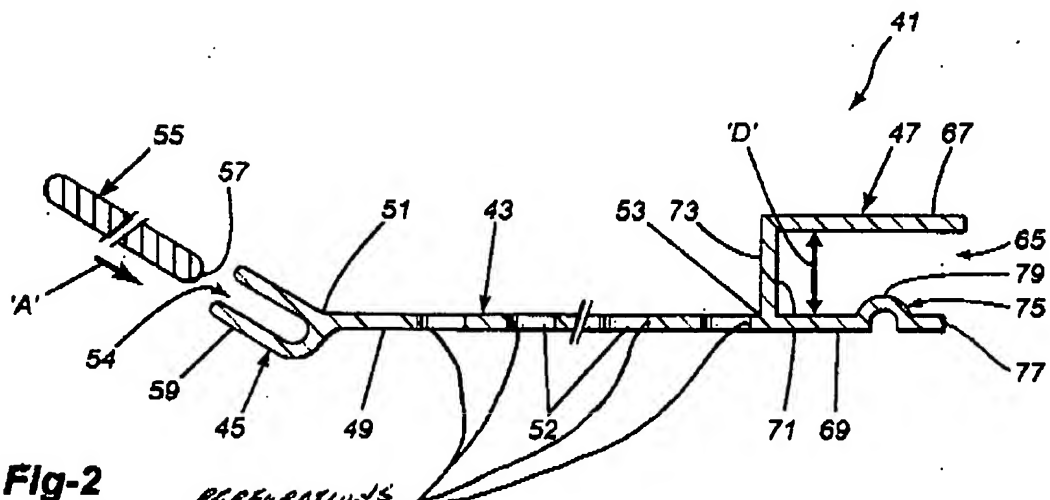


Fig-2

PERFORATIONS
 '52' ADDED
 * REF. CHARACTER
 '52' ADDED